

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: :
UNITED STATES OF AMERICA, : Docket #1:15-cr-00706-
 : VSB-3
Plaintiff, :
- against - :
NG LAP SENG, : New York, New York
 : October 16, 2015
Defendant. :
----- : DETENTION HEARING

PROCEEDINGS BEFORE
THE HONORABLE JUDGE KEVIN N. FOX,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff: UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK
BY: DANIEL C. RICHENTHAL, ESQ.
One St. Andrew's Plaza
New York, New York 10007
212-637-2109

For Defendant: BRAFMAN & ASSOCIATES, P.C.
BY: BENJAMIN BRAFMAN, ESQ.
JACOB KAPLAN, ESQ.
256 Fifth Avenue, Suite 2nd Floor
New York, New York 10001
212-750-7800

Interpreter Present: Mr. Yumo

Transcription Service: Carole Ludwig, *Transcription Services*
155 East Fourth Street #3C
New York, New York 10009
Phone: (212) 420-0771
Email: Transcription420@aol.com

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None

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
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None

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2 THE CLERK: U.S. v. Ng Lap Seng. Counsel, please
3 state your name for the record?

4 MR. DANIEL RICHENTHAL: Good morning, your Honor;
5 Daniel Richenthal for the government. With me is Special
6 Agent Jason Alberts of the Federal Bureau of Investigation.

7 HONORABLE KEVIN N. FOX (THE COURT): Good
8 morning.

9 MR. BENJAMIN BRAFMAN: Good morning, your Honor.
10 Benjamin Brafman for Mr. Ng, who is present. With me at
11 counsel table is Mr. Yumo and Jacob Kaplan, an associate in my
12 office. Good morning, sir.

13 THE COURT: Good morning. All right, it's my
14 understanding that the defendant wants to reopen the
15 detention hearing that was held when he was first
16 presented, is that correct?

17 MR. BRAFMAN: Yes, your Honor. That hearing was
18 with respect to a Complaint that was later dismissed. So
19 this would be his first actual detention hearing based on
20 the pending Complaint. But since the government filed the
21 hearing minutes of the September 24th hearing before
22 Magistrate Judge Netburn, I do want to revisit part of
23 what was said there because I think, based on what was
24 said by the government, I think Judge Netburn was,
25 unfortunately, pushed, if you will, into detaining the

defendant based on what I think is, well, a lot of inaccurate information. And at the time, in fairness to the defendant, who speaks no English whatsoever and is using a court-appointed interpreter today, he was represented at that hearing by a young lawyer who has zero experience in this building but spoke fluent Mandarin. And if you look at the transcript of those minutes, there almost was no response to the government's argument -- in fairness to him, lack of time to prepare adequately and review the documents, which I think show that the government's representations were inaccurate. And, second, I think just lack of experience in handling a bail matter.

So what I would like to do, with the Court's permission, is do this as expeditiously as possible. And we thank you for making time for hearing us. But what I'd like to do is set out the proposal that we have in terms of why we think we have a package of bail conditions that are absolutely adequate to ensure this defendant's appearance whenever necessary and make certain that he does not flee the jurisdiction.

And then what I would like to do is I would like to briefly revisit several of the arguments which the government made at the time of the initial hearing. And I

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1 do that because I have already provided your Honor with
2 that transcript, and I think it's very important if your
3 Honor is to consider the fact that Judge Netburn
4 originally detained the defendant for me to be able to
5 point out why I think the Court detained the defendant and
6 also why the information that the Magistrate Judge Netburn
7 was provided with was in part specifically inaccurate.
8 Whether inaccurate by design or inaccurate because of
9 inattention to detail, it doesn't matter; I can show that
10 it was at least partially inaccurate in some important
11 areas.
12

13 So if I may, sir, I'd like to simply outline for
14 the record the bail proposal that we have prepared that we
15 would ask your Honor to consider and that we submit under
16 3142 is more than adequate to ensure the defendant's
17 appearance. I note specifically, your Honor, that the
18 defendant is 68 years old. He has no prior criminal record.
19 And the basic argument that the government made to detain
20 him is that he is wealthy.

21 THE COURT: Let me stop you for a moment because,
22 if I'm understanding correctly, your position is that your
23 client was detained under an accusatory instrument that no
24 longer exists and there's a new accusatory instrument, and
25 the instant proceeding is to determine whether he should be

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detained under that new accusatory instrument?

MR. BRAFMAN: That's correct.

THE COURT: All right, let me see if the government is moving to have your client detained under the new accusatory instrument; and if so, I'll entertain their arguments in support of that application, and then I'll hear you if you wish to be heard at that time.

MR. BRAFMAN: Very good, your Honor.

THE COURT: Does the government wish to have Mr. Ng detained under the accusatory instrument that now exists against him?

MR. RICHENTHAL: Yes, your Honor.

THE COURT: What theory or theories are you seeking to have him detained under that accusatory instrument?

MR. RICHENTHAL: Risk of flight.

THE COURT: All right, I'll hear you in connection with that application.

MR. RICHENTHAL: It would be difficult to over-describe how extreme the risk is here, as Judge Netburn recognized and as defense counsel seems to recognize in proposing 24-hour armed private security guards. Mr. Ng is a man who isn't just wealthy; he's wealthy beyond anyone's imagination. He's worth nearly two billion dollars. He

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1 makes nearly \$300 million annually. He has \$1 billion of
2 property in China. He has property elsewhere. He has a \$30
3 million private airplane. He was on his way to a private
4 airplane when he was arrested. So there's really no
5 question about his resources.
6

7 But Mr. Ng shouldn't be detained because he's
8 wealthy. We don't detain people because they're wealthy.
9 We detain people if they present a risk of flight that
10 cannot be mitigated. And this is such a case. It's such a
11 case because of his wealth, but it's also such a case
12 because of who he is, what he's done and who he's connected
13 to. Mr. Ng has passports in multiple countries, none of
14 which is the United States. His home country is China, with
15 which we do not have an extradition treaty. That is also
16 the country in which he resides. That is the country in
17 which he has his billion dollars of property. That is the
18 country in which he is the head of a major casino and real
19 estate develop company in Macau. That is the country to
20 which he will undoubtedly go if released by this Court. But
21 he has passports from other countries, as well, countries
22 in the Caribbean, Portugal, perhaps ones we don't even know
23 about. But he does not have a United States passport.

24 And he also doesn't have something else: any
25 connections -- any connections of any kind -- to this

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2 country. Mr. Ng comes here --

3 THE COURT: Well, doesn't he own property here?

4 MR. RICHENTHAL: Mr. Ng on September 8th purchased
5 a \$3.6 million apartment, which he promptly effectively
6 gifted to codefendant Francis Lorenzo. Mr. Ng has never
7 stayed at that apartment. Mr. Ng does not live in New York.
8 When Mr. Ng comes to New York, which he does for only a few
9 days at a time, principally to bribe people, he generally
10 arrives by private aircraft or first-class tickets. He
11 stays in a suite of rooms at the Waldorf, and then he
12 leaves. That apartment is part of this case. It is not a
13 connection to the United States. But, of course, a \$3.6
14 million apartment, while expensive for most of us, is not
15 expensive for Mr. Ng. Other than the fact that he purchased
16 property and promptly effectively gifted it to a
17 codefendant, he has not connections to this country. He's
18 never lived in this country. He has no family in this
19 country. He stays in this country a handful of days a year
20 in order to commit the offenses with which he's charged and
21 then promptly returns to China.

22 There's no reason in the world he would return to
23 face charges in this case. That was true on the original
24 accusatory instrument, no doubt, as Judge Netburn
25 recognized. But that is far more true now because that

original instrument was strong, as Judge Netburn recognized. The new one is 37 pages long. And Mr. Ng faces on the new one alone more than a decade in prison based on the guidelines; up to 15 years in prison based on the statutory maximum. And the investigation is active and ongoing, and he knows that. He knows that because, for example, he's listening to me right now talk about how his \$3.5 million apartment was effectively gifted to a codefendant. That's not in the Complaint. He knows that because other materials filed in court have noted, among other things, that a different codefendant, Jeff Yin, and Mr. Ng, this defendant, were signators on a safe deposit box in Manhattan which contained, among other things, \$430,000 in cash not disclosed to the government. He knows that for a variety of reasons.

So this is a man of extraordinary wealth; it's a man who has every incentive to flee. It's a man who has no incentive to stay. But it's also a case about something else. It's a man whose very conduct should give this Court great pause. The conduct that's charged in the Complaint is bribery of foreign officials. That's exactly the kind of conduct that should give this Court the greatest pause for a defendant who has no connection to this country. It is obvious this defendant is connected to foreign

1 individuals. It is obvious this defendant is willing to
2 use his great wealth to pay those individuals to do
3 unlawful things. There's no reason in the world he
4 wouldn't keep doing that to secure his own freedom,
5 especially given what he's facing.

6
7 But there's another point here, too. Mr. Ng,
8 according to his defense counsel at the original
9 hearing -- and that defense counsel may not well be as
10 schooled in criminal proceedings as Mr. Brafman is -- but
11 that defense counsel knew Mr. Ng and stood up and argued
12 for Mr. Ng. And that defense counsel described Mr. Ng as
13 a member of the Chinese government. That's not
14 inconsistent with emails in the Complaint talking about
15 Mr. Ng's various connections to other business people and
16 other officials. That again should give this Court
17 tremendous pause.

18 This is not a case in which we're asking your
19 Honor to detain him because he is wealthy; we're asking
20 your Honor to detain him because his access to resources
21 in physical form and in monetary form and in the form of
22 coconspirators not charged and associates not charged is
23 massive. We're asking your Honor to detain him because he
24 doesn't just have those connections; he has every
25 incentive in the world to leave and none to stay. None.

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Zero. Posting a \$3.6 million apartment to a man like Ng Lap Seng is meaningless. Posting tens of millions of dollars to a man like Ng Lap Seng is meaningless. There is no reason for him to stay -- zero -- and every reason to go.

But we also know something else about Mr. Ng. He pays attention to the kinds of things I'm talking about. In the late 1990s Mr. Ng was named in press reports and in a Congressional report as having been involved in filtering money to an American political party, which is unlawful because he is not a United States citizen. After those reports came out, Mr. Ng ceased coming to the United States for years. He only returned and only briefly years later and for days at a time. He was watching.

What else do we know of Mr. Ng? He was served with a subpoena in connection with a different matter arising in a different district. He was served in person by agents of the Federal Bureau of Investigation. He was served with his translator sitting next to him. There's no question but that he understood what it was. And he didn't appear, and he didn't ask to be excused from appearing; he just didn't show, because Mr. Ng has no interest in complying with the laws of this country because he is not of this country. He comes here for days at a time to bribe

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2 people in this country, and then he leaves.

3 So there's really no question -- and I'm not sure
4 defense counsel even disputes that the access to resources
5 here is massive, the incentive to flee is massive, the
6 ability to flee is massive, and the history suggests a man
7 who will do it.

8 So then the question is are there any conditions
9 or set of conditions that can keep him here? The answer is
10 no. And the answer is no even if your Honor were to
11 consider the proposal that he should buy his freedom.
12 That is not a reasonable proposal, and I'm going to
13 explain why. But even if it were reasonable in a
14 hypothetical case, it isn't here because he has no
15 connections to the United States at all. This is not Mark
16 Dreyer or Bernie Madoff, American citizens, extensive
17 family connections here, extensive business connections
18 here. He has nothing like those men, as well as being far
19 wealthier and having far more international connections.
20 Those are not analogous cases.

21 Private security guards are not federal law
22 enforcement officers. A multimillion dollar apartment is
23 not a Bureau of Prisons facility. It doesn't have the
24 monitoring of a Bureau of Prisons facility; it doesn't have
25 bars. It doesn't ensure he won't meet with certain people

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to effect his freedom. It has none of those things. But even if in a hypothetical case that might be appropriate, your Honor shouldn't consider it because under the Bail Reform Act and the Constitution, it is [indiscernible] that the Second Circuit has blessed that. In a specific case cited by Mr. Brafman the Second Circuit reserved that question because in that case on its unique facts the parties did not dispute whether it was appropriate. And later, in a case not cited in Mr. Brafman's letter, the Second Circuit specifically noted in a reserved decision on that question and said -- and this is *United States v. Benke*, 369 Fed. App. 152 (2010), not in Mr. Brafman's letter, the Second Circuit noted that was not the issue it decided, and it further noted, "We did not there hold that district courts must routinely consider the retention of self-paid private security guards as an acceptable condition of release before ordering detention." It didn't just say that; it noted expressly, quote, "We remained troubled by that possibility." And what was it referring to when it said "that possibility"? It was referring to, quote, "allowing wealthy defendants to buy their way out by constructing a private jail."

It is true the Second Circuit has not decided if that's proper. It is not true the Second Circuit has

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2 decided your Honor must consider it, and your Honor should
3 not. It is not appropriate for a wealthy defendant to buy
4 his freedom in this manner. The government does not have
5 to give in to Mr. Ng's demand that he live in a multi-
6 million dollar apartment because he prefers not to be
7 detained. But even as I said, in a hypothetical case that
8 might be appropriate; this is not such a case. Every reason
9 to leave, every incentive to leave, every resource with
10 which he could leave, and no reason to stay. I don't know
11 if your Honor has ever seen a case that presents a risk of
12 flight like this case. He must be detained.

13 THE COURT: Mr. Brafman, you earlier made
14 reference to a letter that the government sent to me in
15 connection with this proceeding. I also received a letter
16 that you authored, and I reviewed that prior to the
17 proceeding.

18 MR. BRAFMAN: Thank you, your Honor. Your Honor,
19 if I may, one of the things that struck me when
20 Mr. Richenthal spoke, quite frankly, was the statement to
21 the effect that the risk of flight cannot be mitigated.
22 And I think the proposal that we submit to the Court
23 mitigates it to the point where it's just impossible for
24 him to flee unless they believe that the Guideposts staff
25 that we propose, which is headed by Bart Schwartz, who was

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2 formerly chief of the criminal division, would let this
3 defendant -- Criminal Division of the Southern District of
4 New York -- would cavalierly take that responsibility and
5 allow this man to flee. There is nobody in this district,
6 to my knowledge, who in the past has been allowed to live
7 in an apartment armed by an agency approved by the Southern
8 District as unquestionably honest has been able to flee or
9 did flee. So we're not suggesting that we cavalierly
10 construct a make-believe prison. The apartment has one
11 entrance. There will be two armed 24-hour security people
12 who are either current off-duty law enforcement or former
13 law enforcement people. And the proposal by Guideposts
14 Solutions, whose principal is Bart Schwartz, has done this
15 repeatedly. They've never done it with any failure.

16 In addition, what we are also proposing is that
17 the defendant be permitted to post the apartment. I think
18 he is wrong to say that the apartment was gifted to
19 Mr. Lorenzo. I have a copy of the deed to that apartment,
20 which shows that Mr. Ng is the only owner. It is not
21 encumbered. He bought it; it's fully paid for, and its
22 market value fluctuates between \$3.8 million to \$4 million.
23 In the Lorenzo bail proceeding where Mr. Lorenzo was
24 granted bail over vigorous objection by Mr. Richenthal,
25 they tried that, as well, and it didn't work; and

Mr. Lorenzo was granted bail. Interestingly, the two UN officials, who are the principally charged defendants in this Complaint, have each been given bail. They have each been given bail substantially less onerous than the bail that we propose. Now, they have not satisfied the specific conditions yet, so they remain in custody; but independent magistrates reviewing the very same case gave them each bail.

Mr. Yin, who is the person who is alleged to have done all of my client's bidding, because my client speaks zero of English, Mr. Yin was given bail. Unfortunately for Mr. Yin, the government later alleged that he lied subsequently about assets. He was then re -- not rearrested but while still in custody, the issue of bail was revisited and his bail was revoked not because he didn't qualify for bail.

So the question here, your Honor, is is the defendant charged with a crime for which he is eligible for bail? And the answer unequivocally is yes, he is eligible for the bail. Indeed, unless the government satisfies its burden of showing that there are no combination of conditions that would make it, you know, possible for this defendant to flee, he is entitled to bail, and bail should be provided unless the government meets its burden. And all

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2 I've heard, again, is that he's wealthy, he has contacts
3 overseas, he's not a citizen, and therefore he should not
4 get bail. In the FIFA case in the Eastern District, the
5 Court did set bail recently, and the bail included the
6 posting of 24-hour armed security guards. In the cases in
7 this district that we have cited bail was provided to
8 people with extensive wealth. And every day extremely
9 wealthy people are prosecuted in this courtroom; they are
10 released on bail despite the fact they have billions of
11 dollars sometimes in assets in the insider trading cases
12 tried in this building. Many of those defendants have
13 hundreds of millions of dollars in assets available to
14 them. And the fact that someone is wealthy was not the
15 dispositive factor.

16 So I want to just lay out for the record my
17 proposal so we don't miss anything. In addition to the
18 apartment, which is my client's -- and I defy them to prove
19 otherwise -- we would post an additional \$5 million of a
20 bond fully secured by cash, so it would be a total of \$9
21 million between the property and the cash. He would be
22 subject to home detention with electronic monitoring. He
23 has surrendered all of his passports. And let me just say
24 something so the government doesn't get a chance to
25 misspeak. The defendant's passports are in their custody.

1 The one passport that is of interest is a passport not to
2 the Dominican Republic, as has been previously suggested
3 before Magistrate Netburn, but to an island of Dominica.
4 And what they did was they gave him an honorary passport --
5 I have a copy of it. It's expired; he doesn't have the
6 original. He has no other passports. He would not apply for
7 any other passports. The defendant would be restricted,
8 obviously, to this apartment and only be permitted to leave
9 to come to court with armed guards.

11 I would also tell you that the defendant's
12 daughter, Janet Ng, who is present in the courtroom, has no
13 prior criminal record, is prepared to post her passports
14 and to give the passports to the custody of the U. S.
15 Attorney's Office because she wants to be able to stay with
16 her father and be able to take care of him during this
17 extended period.

18 This is a case that's going to require a
19 substantial amount of work and time in order for the
20 defendant to defend himself. And as I will show you in a
21 moment, I think this case is eminently defensible because
22 I think the government has again and again and again
23 jumped to conclusions for which they have voiced those
24 assertions in open court and only to be shown that they
25 are wrong.

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2 So let me also indicated, your Honor, that the
3 defendant is 68. He is a Type 2 diabetic whose sugar
4 glucose readings are off the charts. He has coronary heart
5 condition and twice before suffered mini-strokes. During
6 the period when the government suggests he should have
7 come to the United States, he was ill.

8 There's also something else. They throw out
9 countries. He has ties to Canada, they say. His two
10 children went to high school in Canada. The family had
11 immigrated there for a period of time. And during the
12 period when he was not in the United States, the records
13 show that he was in Canada a lot. And, unfortunately,
14 tragedy struck in Canada where his young son was fatally
15 injured in an automobile accident. So he had to bury his
16 son. He had his daughter, who's present in the courtroom,
17 who was studying in Canada. So the trips to Canada are not
18 nefarious; they were personal in nature.

19 I want to talk about the two investigations which
20 the government just throws out as if it's evidence the
21 defendant is not going to rely on the order of this Court.
22 During the Clinton campaign there was an investigation
23 involving a Chinese national named Charlie Trie. Charlie
24 Trie was accused of funneling money through Asian-
25 Americans and others to the Clinton campaign. After an

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2 extensive investigation that went on for years and years
3 and years, Mr. Trie, the principal culprit, if you will,
4 was permitted to plead guilty to a misdemeanor, and he got
5 probation. That case, Mr. Ng did come up as someone who was
6 alleged to have been involved in that case. He was never
7 arrested, he was never charged. And for the government to
8 suggest that he hid from the United States authorities
9 because of that case is preposterous because at the end of
10 the day, Mr. Trie, the principal defendant, got a
11 misdemeanor and probation, and Mr. Clinton ran for
12 President successfully, and his wife is doing it again now.
13 So that suggests where that investigation figures in the
14 hierarchy of reasons for the defendant to run away.

15 Second, in 2014, while the defendant was in New
16 York, he was handed a subpoena. The subpoena called for
17 him to be a witness in connection with a grand jury
18 investigation in Las Vegas into the Sands Hotel, which was
19 looking to see whether the Sands Hotel had been involved
20 in improperly handling currency transactions for thousands
21 of people. One of them was Mr. Ng, who was a well-known
22 gambler. He did not ignore it. We don't have the letter
23 because the letter is in Macau, and the defendant's been
24 detained. But what we do have is as DHL tracking
25 certificate, which I showed the government, which shows

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2 that a day after the subpoena was served, a letter was sent
3 and delivered to Daniel Bogan, who was the United States
4 Attorney at the time in Las Vegas, Nevada. Now, the people
5 who wrote the letter did not have the sophistication
6 perhaps to address is to the Assistant United States
7 Attorney who may have been handling the matter; but we
8 believe, and have a good-faith basis to believe, that a
9 letter on Mr. Ng's behalf was sent to them.

10 But more importantly, Judge, since that subpoena,
11 he's been back in the United States at least a half a dozen
12 times, and on each occasion he was trailed by FBI agents.
13 In the initial Complaint they talk about him landing in a
14 private plane, and on one occasion they have him going to
15 Las Vegas, the very place where this grand jury was
16 supposed to be conducting the investigation. So to the
17 extent that he was seeking to avoid compliance with an
18 investigation in Las Vegas, he knew that the government
19 knew he was here; he knew that he was in Las Vegas; and no
20 agent came to him and said, "By the way, buddy, you've
21 ignored a subpoena for a couple of months. Come with us."

22 So to the extent that the defendant, who speaks no
23 English -- and they are assuming that someone translated
24 the subpoena for him and somebody did write a letter to the
25 U.S. Attorney's Office. That's not an indication that he

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2 ignores the legal process; that's not an indication that he
3 is going to flee and become a fugitive. He's 68 years old,
4 and he's not well. He has massive wealth, which he does not
5 want to forfeit. And the only way that he is able to fight
6 these charges is if he stays here. And he's 68 without any
7 criminal record.

8 And I just want the Court to please give me just
9 one more moment, because I think this is extremely
10 important. The defendant, despite these charges, is known
11 throughout the world as an extraordinary philanthropist.
12 Now, they may say, sure, he's looking to bribe the world by
13 giving \$20 million to this hospital and this organization.
14 That's easy for them to just throw darts at. But they have
15 no proof whatsoever. The two principal people in the UN
16 who were, in effect, the bribees, if you accept the theory
17 of the case, have been granted bail. His assistant, who was
18 the direct intermediary between Mr. Ng, if you believe that
19 theory, and the UN officials, he was granted bail. And he
20 lost his bail only because he lied. And what the Court
21 must know and what the Court must understand is when he was
22 originally arrested, all he was charged with was making
23 statements which they believed not to be true when customs
24 forms were filled out -- not by him but by Mr. Yin, because
25 he speaks no English. But the irony of this is that the

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2 defendant and the defendant's assistant voluntarily
3 disclosed the large amounts of cash that they had to
4 customs people. This was a --

5 THE COURT: Well, what difference does that make?
6 That accusatory instrument is gone now.

7 MR. BRAFMAN: No, but --

8 THE COURT: We have a different accusatory
9 instrument, and we're talking about bail with respect to
10 those charges.

11 MR. BRAFMAN: Yes. But let me explain why it
12 matters, because the government alleges that the money that
13 was brought in on those occasions was the bribe money that
14 ultimately made its way to the people he is charged with
15 bribing in this case. So it does matter because, to the
16 extent that you are bringing in bribe money, voluntarily
17 disclosing this money to a member of the government saying
18 I have \$390,000 here, is not a smart thing to do for
19 someone they concede is smart if you actually intend to
20 bribe the money.

21 And the reason why it's relevant, your Honor, even
22 though that accusatory instrument is dismissed is because
23 of the following. At the hearing before Judge Netburn on
24 that issue, one of the arguments they made in the Complaint
25 was that with respect to the money, Mr. Yin on the

defendant's behalf said that the defendant was going to bring the money in for the purposes of gambling, and that the agent who signs that Complaint swears under oath that for the period in question, during June of 2014, the defendant and Mr. Yin was under constant surveillance, and they never went to a casino, they never went to Atlantic City, so, therefore, the lie shows that the money was really for a bribe and not for gambling. Well, truth be told, nine days later, when they were trying to remand Mr. Yin, in the government's letter dated September 29th, eight days after our hearing, in a footnote on page 3 of that letter, they conclude that in Mr. Yin's bag they found a receipt from the casino in Atlantic City for \$300,000 dated June 14, 2014, and that additional funds were deposited and withdrawn on June 16, 2014, the specific period when in the Complaint the FBI says they followed them, they never went to Atlantic City; therefore that money was for bribes.

So the reason it's important for your Honor is because the theory is they bring all this money in in cash because, ostensibly, they're going to give it to the UN officials. The defendant, when he lands, his assistant discloses the money, the money is counted. Customs notes it's 300,000, it's 500,000, whatever the amount is.

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2 Particularly unusual when you're landing by private plane
3 because Customs generally checks to see who the people are;
4 they do not regularly search the plane. And the facts would
5 show that this money was voluntarily shown them, not that
6 they found it in a search in some secret compartment. And
7 when the government argues that that money is evidence of
8 their intent to come here for a couple of days to bribe,
9 it's not true. They come here for a couple of days to buy
10 antiquities; and when they raided the safety deposit box of
11 Mr. Yin, they found valuable antiquities. And they come
12 here to gamble, and the defendant and Mr. Yin have
13 repeatedly said that.

14 I will also tell you that this is perhaps the most
15 unusual -- the most unusual bribery case in the history of
16 this courthouse. Now, they'll say, yeah, because it's so
17 vast. No. It's because this UN project that is at the
18 centerpiece of this case, which they claim was the corrupt
19 program, is probably one of the most well-known, well-
20 documented, well-studied, well-vetted programs ever by the
21 UN because it was supposed to develop the entire Southeast
22 Asia, where underdeveloped countries were trying to draw UN
23 investment, UN businesses, convention centers, hotels,
24 casinos, because it was going to develop this island and
25 all of the countries that joined. There are hundreds of UN

1 officials who were involved in promoting this operation.

2 So what the government has is they've taken a
3 slice of a very big story; they've made it into what they
4 believe to be nefarious as a result of emails that my
5 client never issued, that my client was never copied on,
6 and that my client can't read. Because they've been sent by
7 his assistant, their argument is well, it must be binding
8 on my client. We're not here to try the case, Judge. My
9 client enjoys the presumption of innocence even if he's a
10 rich foreign national.
11

12 I have a bail package that doesn't make it possible
13 for this defendant to flee unless you believe that Guideposts
14 is a corrupt organization -- and the government would never
15 dare make that argument. That is a proven track record of 100%
16 success. So close to \$10 million, the posting of passports,
17 the surrendering of any travel documents, the agreement not
18 to file for any, for his daughter to voluntarily give you her
19 passports and agree to stay here with someone who's accused of
20 a nonviolent offense, who has no criminal record whatsoever
21 in the United States or anywhere else, I think that is a
22 powerful argument as to why he should be entitled to bail.

23 I understand their concerns, and I think we've
24 addressed them. And without the component of the 24-hour
25 security, I would think that they have the better argument.

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2 When we have that component, the argument that he made that
3 a risk of flight cannot be mitigated is a statement that is
4 simply not true. We're going to mitigate it to the point
5 where it's nonexistent. And for their argument that we
6 want to control who visits him, we want to control how he
7 talks to people, we want to control that, they don't have
8 any control in the MDC. Once a person is approved for a
9 visit, they don't know what they're talking about inside.
10 And if they want us to establish a preapproved list of
11 visitors, we will do that.

12 And I want to make one final observation, Judge,
13 because I think this Court very much understands the
14 ability -- the right of a defendant to be able to appear
15 and present a defense. This case is perhaps one of the
16 most massive undertakings that I have ever tried. And I
17 have been involved in some fairly complicated cases. My
18 client speaks no English. The apartment that he is going to
19 create into a real prison is two blocks from our office.
20 And we can have an interpreter, and his daughter, who
21 speaks English, would be living there with him. This case
22 requires a slew of computer assets, a slew of paralegal
23 assets, and the interviewing of dozens of people, who
24 because of their foreign status, may not even be able to
25 get into the MDC for reasons having nothing to do with

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criminality or may not want to go to a prison but who we nevertheless need to interview.

In addition, it has taken me almost two weeks to be able to just understand what my client has been trying to explain about the vastness of the undertaking. And for the government to suggest that this is someone who comes into the United States only for the purposes of bribing this individual suggests to me that they haven't even begun to investigate the balance of this UN program, which they claim at its heart is fundamentally corrupt. I don't represent Mr. Lorenzo, who has bail. I don't represent Mr. Ashe, who has bail over the government's objections. But I think that I have presented to your Honor a case as to why bail, in the interest of justice, should be strongly considered by the Court. And when we look at the component of the -- if we add to the component the armed security guards, I think we've made a powerful case that they have not been able to rebut. What they have said over and over and over and over again is that the defendant is wealthy, he has access to enormous resources.

And I want to close by showing you why a comment that sounds onerous is really completely innocuous. Mr. Richenthal just a moment ago said that the defendant was on his way to a private plane when he was arrested.

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2 What he doesn't tell the Court, but which is evident from
3 the allegations in the initial Complaint, is he was in and
4 out of the United States six times during the spring and
5 summer of 2015 just prior to his arrest, each time on a
6 private plane, each time where the government tracked it
7 because they were following him. They saw him land, they
8 followed him to his hotel. They clearly didn't follow him
9 to Atlantic City, but they followed him to his hotel. They
10 followed him back to the airport. He knew about the
11 subpoena in Las Vegas, he knew about the Charlie Trie
12 investigation 15 years ago, and he kept coming back to the
13 United States and not secretly, under his own name, by
14 private plane -- that's not a crime. So to suggest he was
15 arrested on the way to a private plane, suggesting that he
16 was going to flee by private plane, is just wrong. They
17 could have arrested him at any moment that they wanted to
18 during the five or six years that they I think had him
19 under surveillance, or certainly within the four or five
20 months that we know they were tracking his every move.
21 They sought to arrest him at that moment.

22 We -- they have had months and months and months
23 to prepare the case against Mr. Ng, and what they came up
24 with in the initial investigation was false statements made
25 by Mr. Yin to a customs official on behalf of my client

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2 after years of investigation with respect to the reason
3 they brought in the money that they voluntarily disclosed.
4 That was the case. And the only reason he was detained on
5 that very weak, completely defensible case was because
6 they made comments to the Court which were completely
7 inaccurate or at least they didn't provide the whole
8 picture.

9 Now what they've done is they've taken that
10 money and they've weaved it into a bigger bribery case.
11 But the underlying facts about my client are the same;
12 he's still 68, he's still not well, he still has no
13 criminal record. Yes, he's rich. And, yes, we have asked
14 for a proposal that while reasonable people might say is
15 arguably difficult to maintain, I think the history in this
16 district and in other districts is that while Judge Pauley
17 may not be a big fan of this process, the argument that
18 Judge Rakoff makes is very telling, because the argument
19 before Judge Pauley was that, you know, rich people should
20 not be able to construct a prison. But rich people should
21 not be put in prison because they are rich. So Judge
22 Rakoff very correctly points out that the bail program in
23 the United States is weighted very heavily in favor of
24 people who have assets, because there are people right now
25 at Riker's Island and in the MCC who can't post \$5,000

1 bail. That's not fair, but those are the facts.

2 So we have a person who can afford the private
3 security guards. He shouldn't be denied that right simply
4 because he's rich because it's the wealth which is having
5 him detained in the first place. And you know why we know
6 that, sir? We know that because bail has been set in the
7 case of Mr. Ashe and Mr. Lorenzo and Mr. Yin where, in my
8 opinion, the evidence that you see on its face in the
9 Complaint as to those people, the evidence is substantially
10 more compelling than the -- and, nevertheless, you know,
11 they have been given bail because they have a right to
12 bail.
13

14 So for the reasons we have suggested, your Honor,
15 and unless the Court has specific questions, I will rely on
16 my record. I think the conditions that we have proposed
17 satisfy the obligation under 3142, it is to prepare a
18 proposal that can reasonably assure that the defendant will
19 not pose a danger to the community -- and I have not heard
20 that argument made by the government -- and it will ensure
21 that he will show up when he is required, in addition to
22 which, he is making his daughter, who is in the courtroom
23 today and has no criminal record, no ties to the criminal
24 case, no allegations against her, he's making her also a
25 captive under the same conditions. She will live in his

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2 apartment. And I dare say, Judge, that in order for this
3 defendant to be able to effectively represent himself, we
4 need your Honor to consider the nature of the charges, the
5 nature of the defenses that may be available, the fact that
6 the defendant is obviously presumed to be innocent; and I
7 think, as we say in our letter, detention is really to be
8 strictly limited in cases where there is a reason -- of the
9 fear of violence, whether you have a recidivist, whether
10 you have someone who is charged in an offense where the
11 presumption is against bail. None of that applies here. If
12 the defendant isn't substantially wealthy, he gets bail,
13 and we probably don't even have this discussion because I
14 think the government ultimately consents, most
15 respectfully.

16 So we're having this discussion because I think
17 the defendant does have substantial wealth, and for that
18 reason only. And his ties to the United States, he was
19 here again and again and again. So he obviously wants to
20 be able to come here. You can bribe someone from Macau.
21 You don't have to come to the United States. If you're as
22 important as he is, you could send somebody. He comes
23 here. There are business opportunities that he is
24 exploring that would come out at a trial. There are ties
25 to the United States that we will be able to develop,

business ties, important ties. He stands to lose hundreds of millions of dollars if he is suddenly classified as a fugitive from justice because of hundreds of millions of dollars of bank loans that require him not to be a fugitive from justice in any shape or form.

So the reason for him to want to defend himself, first and foremost, he wants to clear his name. He's 68. He's never been accused or he's never been prosecuted of any crime. In most areas of Asia he is considered an extraordinary philanthropist, not a briber, not a corrupt man. He has an extraordinary reputation. I could fill this building with letters from organizations that he has helped found, that he has helped subsidize. And in terms of the donations he has given to struggling countries, the reason they gave him an honorary passport in the Dominica is because he gave them approximately \$20 million after they suffered a substantial storm that required this help. So it wasn't a bribe; it was an honorary award which has since expired.

I ask your Honor most respectfully to impose bail with the conditions that we have provided or any additional conditions that the Court deems appropriate, with the understanding that until all of the conditions are in place, that the defendant would not be released.

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2 And we ask you to permit him to do what every person
3 arrested in the United States is entitled to do, defend
4 his case with the presumption of innocence that includes
5 the right to bail, even for a noncitizen.

6 Thank you for your patience, sir.

7 THE COURT: The letter that you say was sent to
8 the United States Attorney regarding grand jury subpoena,
9 what does that letter say?

10 MR. BRAFMAN: It's my -- we don't have the letter,
11 but it's my understanding that the letter said as follows,
12 in words or substance -- and I'm taking this on a
13 representation of people in Macau who told me this -- who
14 told our interpreter this. That the letter was essentially
15 asking for his excusal because he was not well and he had
16 to go back to China. The date of the subpoena -- it was
17 not a forthwith subpoena, but it was a subpoena returnable
18 in a couple of days to Las Vegas. The defendant had
19 planned to go back -- I'm sorry -- it was a couple of
20 months. And the letter -- and when he went back to Las
21 Vegas in the summer or the spring of 2014, the agents were
22 following him. So if there was a need for him to appear or
23 if he had forgotten or if he was careless in his response
24 to the subpoena, the way it's done is either a friendly
25 reminder or ran arrest. It's not you wait another year and

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2 then you use it as a reason to deny him bail.

3 As for second, there is really a legal issue as to
4 whether or not a Chinese citizen, a Chinese citizen in
5 China has the obligation to travel that far to appear. Had
6 he retained counsel in the United States, it would have
7 been worked out. He was not the target of the
8 investigation, Judge. What happened was the casino in
9 question was under an IRS audit as a result of thousands
10 of high-roller people who were either accused or suspected
11 of trying to launder money through the casino. The casino
12 and its ownership were under investigation. There were
13 hundreds of people, because I know lawyers in other cases
14 who had clients who were involved as potential witnesses.
15 No one followed up. There was never an attempt to reach
16 him in Macau. The DHL letter that went to the United
17 States Attorney has the return address in Macau of Mr. Ng
18 Lap Seng. All they had to do was say your excuse is not
19 acceptable, or here's the new adjourned date. There's no
20 further correspondence, and there's no further attempt to
21 contact him. That is not evidence of reckless disregard of
22 formal process of someone who doesn't read or write English
23 and who is not subject to arrest. For the government to try
24 and move to hold him in contempt for failure to apply --
25 comply with that subpoena, that would be a very defensible

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2 case. And I haven't tried to do that.

3 And I also -- and I've said this before -- but if
4 you're looking at his mindset, if he is worried that he's
5 not complying with the subpoena issued by the government in
6 Las Vegas, why go to Las Vegas when the FBI knows that
7 you're there? Why go to Las Vegas, where they can detain
8 you or they can grab you or they could re-subpoena you with
9 a forthwith subpoena. The furthest thing from his mind was
10 that he was not complying with that subpoena, and I believe
11 he had a reason to believe that it had been adjourned,
12 because there's no response to his letter. And I know
13 Mr. Richenthal is champing at the bit to be able to tell
14 you that he spoke to the Assistant United States Attorney
15 and they didn't get a letter. Well, then, I would like him
16 to explain what DHL delivered on that date, two days after
17 the subpoena was issued and why it has the defendant's
18 return address in Macau if it didn't relate to the
19 subpoena. No one in their right mind just picks that U.S.
20 Attorney out of a Yellow Pages to send a letter to two days
21 after being given a subpoena. And if he wasn't remanded
22 and if we were able to review his files personally in
23 Macau, I think we would be able to ultimately produce the
24 letter. They're going to tell you that no one in the U.S.
25 Attorney's Office remembers getting the letter. Well, it

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2 came to Mr. Bogan, who was the U.S. Attorney's Office. And
3 in my experience, if you don't write to the assistant,
4 sometimes it doesn't get there. But whether it got there
5 or not, nobody responded. And when you write for a grand
6 jury adjournment, ostensibly it's the only reason that you
7 are writing to them, if you write for a grand jury
8 adjournment and the assistant or the government doesn't
9 respond, you don't have a new date for your appearance. And
10 under the rules as I understand them, if you don't show up,
11 you have a good-faith explanation for at least why you
12 thought you didn't have to show up on that date.

13 And finally -- and, again, I'd like him to
14 explain this to you, sir, if he can -- if my objective is
15 to avoid compliance with lawful process in Las Vegas, why
16 am I going there? He gambled in Atlantic City. If he
17 wanted to gamble, just gamble, he could have gone to
18 Atlantic City or one of the casinos close to here. He went
19 to Las Vegas, into the arm of the law enforcement agency
20 they claim he was seeking to avoid. It just doesn't make
21 any sense. And it's certainly not enough, your Honor -- I
22 say this with great -- it's not enough to detain someone
23 because of a screwup in connection with a subpoena of more
24 than a year and a half ago, where there was no follow-up by
25 the government. Of course, the way it generally works,

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Judge, if you don't show up on the day that you're supposed to be there, you don't get arrested. I've never seen anybody, in 40 years, get arrested for failure to comply with a subpoena. Your lawyer gets a letter or you get a follow-up visit, or you get a forthwith subpoena, especially if they know where you are. You don't get arrested. And here what they're trying to do is they're not arresting him for it; they're looking to detain him. They're looking to detain him, arguing with no facts, that he should be detained because this failure to respond to a subpoena shows that he has no respect for lawful process. It's just -- you know, it's just not a compelling argument, your Honor.

THE COURT: When did you receive the receipt from the courier, DHL, indicating that a letter was transmitted?

MR. BRAFMAN: We got it this past week. We were trying to actually find the letter, and I gave it to the government this morning because I knew it was going to come up. But to be honest with you, Judge, I wanted to find the actual letter. So we didn't find the letter, but the defendant knew that something had been written or someone in his office knew that something had been written.

THE COURT: And in the week that you've had this, was there something that prevented you from contacting the

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United States Attorney's Office to see whether that letter was received and whether a response was given?

MR. BRAFMAN: There was nothing that prevented me from doing it. I also saw that it went through the U.S. Attorney. The copy of the subpoena that we have is virtually illegible because it's a copy of a fax -- of a fax. I don't have the original -- and I can show it to you, Judge. It's just not legible. I was assuming that they would have something to show that he did or did not appear. And when I spoke to Mr. Richenthal this morning and told him about DHL, he said they contacted the United States Attorney, as far as they're concerned there is no letter. Now, I don't know who he spoke to there. But whether there was a letter or not, we have proof that a letter was mailed to them and received by them, because we have a receipt that it was received. We have a receiver's name is Daniel Bogan; it's signed for. Someone received it; it's signed for by A. Nimo, N-i-m-o, and it's received on September 12, 2014, at 1357.

So you can't conclude that he just shipped an empty envelope to the United States Attorney's Office with his home address in Macau so that maybe one day if he was detained in the United States, he could have this argument. It just doesn't make any sense. I think the compelling

argument is that the letter was sent. I think if he were to be able to go to Macau -- look, your Honor, the man works out of 20 different offices in Macau at different times. His holdings are very extensive; the real estate, there's residential condominiums, there's hotels. I don't know where to even begin searching for the actual letter. So to answer your question, Judge, I think the government will tell you that they called the U.S. Attorney, and they don't have a record of receiving the letter. That doesn't mean he did not in good faith communicate with them. And one thing we do know is they also don't have any further correspondence from the U.S. Attorney to Mr. Seng saying where are you, you didn't show up when you were supposed to, which is how it would normally happen and certainly in this district.

THE COURT: Well, you, too, have no letter from the United States Attorney acknowledging receipt and advising what the United States Attorney's response is to the letter delivered by DHL. If the responsive letter, if one existed, said thank you very much for your letter but come on down to the grand jury anyway, and he didn't show up, that would be an important thing to know.

MR. BRAFMAN: Yes, your Honor. And I think you would be right then in holding it against him. But if they

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2 had that letter, they would give it to you or they would
3 give it to us. They don't have that letter.

4 THE COURT: And neither do you. You've had a week
5 to contact the United States Attorney --

6 MR. BRAFMAN: Yes.

7 THE COURT: -- if you wanted to, to say, "I have
8 this document from DHL, it says a letter came. I have
9 another document saying someone named Mico received it.
10 Was there a response? Can you provide me the response so
11 that in support of my argument to the Court, I will know
12 what response was given?"

13 MR. BRAFMAN: Correct --

14 THE COURT: But let's move on.

15 MR. BRAFMAN: Okay.

16 THE COURT: You've mentioned a number of times an
17 apartment that you propose to support the bail that you're
18 urging, but you haven't identified the apartment. What
19 apartment is it? Where is it?

20 MR. BRAFMAN: It's at 240 East 47th Street. It's
21 across the street from the United Nations. It is an
22 apartment, a one and a half bedroom apartment -- two
23 bedroom apartment -- there are two apartments that are
24 combined on the same floor. It's at 240 East 47th Street.
25 And it's owned by the defendant. I have a copy of the deed.

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2 The only name on the deed is the defendant's.

3 THE COURT: You propose a financial incentive for
4 your client to remain, which in total would be \$9 million
5 property and a bond of some sort. For a person who
6 according to the Pretrial Services Report earns \$25 million
7 a month, why is \$9 million an incentive for him to stay?
8 That --

9 MR. BRAFMAN: Your Honor --

10 THE COURT: -- is an, seemingly for a person of
11 his circumstances, an insignificant amount of money.

12 MR. BRAFMAN: Your Honor, if it were just as
13 financial package, I would agree with you. But I think the
14 amount of money is one item, but I think if we were to
15 propose \$25 million, the government would say not enough.
16 And then if we were to propose 30 million, they would say
17 not enough. So I don't want to bid against myself, because
18 the component of this package that would be most compelling
19 is the armed guards, who would not let him leave the
20 apartment. But if what your Honor wants to do is set a
21 higher financial component, I would obviously, you know, be
22 willing to listen to what your Honor thinks is reasonable.

23 The difficulty in this case is that it's not
24 unusual -- and I don't say this to embarrass Mr. Ng --
25 everything he said to Pretrial Services is correct. But

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when you make \$300 million a year in the nature of his business it doesn't mean they give you \$300 million a year. It's sort of like Donald Trump saying he's worth \$10 billion and then 20 other people look at his financial statements and say, "I don't think that property is worth 20 billion, and I don't think your cash flow." Mr. Ng makes \$300 million a year in the income based on all of his corporate interests. That doesn't mean all of that money trickles down in liquid assets to his. I will also tell you that many of these properties are encumbered, and much of that money goes to keep the loans current on a regular basis that are astronomical and involve a substantial amount of interest. Could Mr. Ng put up more money if that was the key to your Honor giving me a bail package that we could live with? Within reason, the answer is yes. But if that were our approach, if we came to the government and said, "Would you take \$25 million?" Mr. Richenthal would say no, because he has too much money. So that doesn't mean anything. So I think --

THE COURT: But that's irrelevant because he doesn't determine what bail, if any, will be set for your client to be at liberty. That's the determination of the Court.

MR. BRAFMAN: Yes.

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THE COURT: So if he says no, what difference does it make?

MR. BRAFMAN: All right, so then I'm saying to the Court I can't just make up a number, but what I will tell the Court is that we did not mean to say to your Honor it's 9 million or nothing. What I am saying is that's a significant package because of all of the bells and whistles that are powerful that we're wrapping it up in. But if what the Court wants to do is set a higher financial component including the conditions we have provided, then we will do our best to meet those conditions if they are within his ability. And all I ask your Honor to understand is that being as wealthy as he is and being able in the United States to access that wealth that is largely in the form of property and rentals and interest payments, which sometimes go directly to the bank, is not [indiscernible] to do is to set a \$15 or 20 or 25 million component. The defendant would then have the obligation to meet that staggering sum and actually try and post it. And maybe it means borrowing money against the property, maybe it means selling a piece of property, maybe it means accessing an account through international efforts that we have not yet taken.

What I have proposed to the Court is something we

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could do immediately. We could do it through Mr. Mo's escrow account, and then we could do it within reason. If the Court were to impose an additional financial component and that would require the defendant to meet that condition before being released, we would do our best to meet that component. So I hear what your Honor is saying, and I understand that relative to the defendant's wealth it doesn't sound like a lot of money. In the other cases, the amount of bail set was not relative necessarily to each of the defendant's earnings or wealth. It was a significant amount of money, and in the Mr. Yin case it was \$1 million, in the Lorenzo case it was \$2 million, and in Mr. Ashe's case it was \$1 million. And if you look at the Complaint, they are considered to be very wealthy people. They have more ties to the United States -- I get that component. But in terms of --

THE COURT: Well, that's irrelevant. Bail is an exercise that requires an individual assessment of --

MR. BRAFMAN: Yes.

THE COURT: -- the defendant. So what other people's bail conditions are is interesting perhaps but irrelevant.

MR. BRAFMAN: Well, it's interesting and relevant to --

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2 THE COURT: It's not relevant.

3 MR. BRAFMAN: Okay. I don't want to argue with you
4 because --

5 THE COURT: I'm interested in your client and
6 whether bail can be fixed for him, if there are conditions.
7 What can be fixed for other people is irrelevant to Mr. Ng
8 and his situation. If I'm convinced that bail can be fixed
9 for him, bail will be fixed for him. If I'm not convinced
10 that bail can be fixed for him, he'll be detained. I'm only
11 interested in him and his circumstance and whether bail can
12 be fixed for him.

13 MR. BRAFMAN: Well, if -- your Honor, we could do
14 this one of two ways, your Honor. We could either take a
15 short adjournment with the Court's permission so I could
16 confer with the defendant to have a good-faith basis to
17 make a representation as to additional assets that we
18 could not only offer to the Court but that would be
19 available within a reasonable period of time. I can't offer
20 a building in Macau that may have a value of \$1 trillion
21 because they're never going to take it and they never could
22 exercise on it if he didn't show up.

23 So I hear what you're saying, sir, and I want to
24 give you a good faith -- a good-faith proposal, but I
25 need -- it's not my money, and I need to make it through

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my client. But I also need him to understand that if we propose \$25 million, that he will not get out -- and your Honor accepts it -- he will not get out until the \$25 million is actually posted. And regardless of how wealthy a person is, being able to garner that much in liquid assets to be able to post it in all cash is sometimes more cumbersome than it may appear to an Assistant United States Attorney who says you're fabulously wealthy.

So I'd like a short adjournment. Maybe your Honor could -- or we could submit this in written form to the Court. My preference would be a short adjournment so I could talk to Mr. Ng privately, confer with his daughter and his lawyer who is more involved in his business assets than I am.

THE COURT: What amount of time, when you say adjourned, are you speaking about?

MR. BRAFMAN: I'm talking about a few minutes, Judge. If your Honor has another matter --

THE COURT: Do you want --

MR. BRAFMAN: If your Honor --

THE COURT: -- do you want the adjournment before I give the government an opportunity to respond to the comments you have made?

MR. BRAFMAN: Well, I think it's better that we

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have all of the arguments on the other issues besides the money issue so that I have an understanding, if that -- what the Court wants to hear is all the arguments and then also a different financial package that we have submitted.

THE COURT: Well, I'm not saying that I want to hear a different financial package; I just question the financial component that you made reference to, given, as I said before, bail requires an individual assessment and given his particular circumstance, what that component meant in relation to the information in the Pretrial Services Report. I don't mean to convey to you that I think this number's the wrong number and it has to be higher or any such thing; I'm just questioning information that you provided to me, no more, no less.

So I will give you an opportunity to consult with your client. I do have other people waiting to be entertained by me who also want to see if they can be released on bail. So I'll proceed to the next scheduled matter, and then we'll come back to you later in the day.

MR. BRAFMAN: So can we step out and confer with him?

THE COURT: Certainly.

MR. BRAFMAN: Thank you, your Honor.

(Whereupon, the matter is adjourned.)

C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the case of USA v. Ng Lap Seng, Docket #15-cr-00706-VSB-3, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Carole Ludwig

Carole Ludwig

Date: March 5, 2021